

Nevada Department of Transportation (NDOT)  
Vehicle “Piggybacking” Guidelines

- The Grantee is defined as the entity that will be purchasing, operating, and maintaining the vehicle(s);
- The Vendor is defined as the entity that will be selling the vehicle(s) to the Grantee;
- The Contracting Agency is defined as the entity that originally procured the vehicle contract with the Vendor;
- The Grantee shall be responsible for reviewing all FTA and NDOT “Piggybacking” guidelines and regulations prior to “Piggybacking”. Below are links to the FTA “Piggybacking” regulations:

FTA Best Practices Procurement Manual (BPPM):

[http://www.fta.dot.gov/funding/thirdpartyprocurement/grants\\_financing\\_6037.html](http://www.fta.dot.gov/funding/thirdpartyprocurement/grants_financing_6037.html)

FTA Joint Procurements of rolling Stock BPPM 6.3.3 (Piggybacking requirements):

[http://www.fta.dot.gov/funding/thirdpartyprocurement/bppm/grants\\_financing\\_6189.html#BM6\\_3\\_3](http://www.fta.dot.gov/funding/thirdpartyprocurement/bppm/grants_financing_6189.html#BM6_3_3)

FTA Piggybacking Q & A:

[http://www.fta.dot.gov/funding/thirdpartyprocurement/faq/grants\\_financing\\_6174.html](http://www.fta.dot.gov/funding/thirdpartyprocurement/faq/grants_financing_6174.html)

- The Grantee shall be responsible for finding the vehicle(s) that best fits their needs and researching different Vendors/Contracting Agencies that have an open “Piggybacking” contract for that particular vehicle(s);
- The Grantee shall complete the “Piggybacking” Worksheet to ensure that the Vendor/Contracting Agency chosen meets all of the FTA “Piggybacking” requirements;
- **The Vendor/Contracting Agency’s procurement bid award shall have an Assignability Clause that meets FTA requirements in order for the Grantee to “Piggyback”;**
- Once the Grantee has chosen a Vendor/Contracting Agency they shall have the Contracting Agency write them a letter granting them permission to “Piggyback”. The letter must state the total amount of vehicles the Grantee is allowed to purchase through the Contracting Agency’s Procurement;
- Once the Grantee has obtained the Letter from the Contracting Agency allowing them to “Piggyback” they would then apply to NDOT for FTA Grant Funds;
- **The Grantee shall be responsible for any and all upfront costs the Vendor requests for the vehicle(s) order, including and not limited to cost of vehicle delivery and vehicle inspection fees upon delivery;**
- NDOT shall not be responsible for reimbursing the Grantee until the Agreement between NDOT and the Grantee is executed, and the Grantee has provided NDOT with the Final Invoice, a Dealer Report of Sale, Certificate of Origin, and proof that the Vehicle(s) has been inspected by a certified mechanic;

- **NDOT will require the following additional information with the Grantees Federal Grant Application:**
  - a) A copy of the letter from the Contracting Agency granting the Grantee permission to “Piggyback”;
  - b) A copy of the completed “Piggybacking” Worksheet with all required documents attached;
  - c) A copy of the Contracting Agency’s Procurement Process and Bid Award (Shall have an Assignability Clause);
  - d) A copy of the Specifications from the Vendor for the vehicle(s) the Grantee is requesting including any adds/deletes;
  - e) A copy of the invoice from the Vendor stating the total vehicle cost including fees. This invoice is for pre-approval and should match the final invoice the Grantee receives from the Vendor upon delivery of the vehicle;
  - f) A letter from the Grantee stating how they will pay for the upfront costs, if any. If the Vendor does not require any upfront costs, the Grantee shall state that in the letter;
  - g) Justification for the need of the vehicle the Grantee is requesting. The Grantee shall provide the VIN for the existing vehicle(s) to be replaced.
  
- NDOT shall review all of the required information and will determine if the Grantee’s requested “Piggyback” is acceptable meeting all FTA requirements;
- If the application for “Piggybacking” is accepted, NDOT shall enter into an Agreement with the Grantee.
  - The Agreement shall require the Grantee to provide NDOT with the Dealer Report of Sale, Certificate of Origin, and proof of a Certified Vehicle Inspection prior to NDOT reimbursing the Grantee for the Vehicle(s). The Agreement will also name NDOT the lien holder for the entire useful life of the vehicle as stated in the State Management Plan.
- With a Notice to Proceed from NDOT, the Grantee may purchase the Vehicle(s) prior to an executed agreement between NDOT and the Grantee. However, the Grantee will not be able to seek reimbursement from NDOT until that agreement is executed;
- The Grantee shall be responsible for providing NDOT with monthly ridership and maintenance reports for the vehicle(s);
- NDOT shall not be responsible for any malfunctions or warranty issues the Vehicle(s) may incur throughout the life of the Vehicle;
- NDOT shall not be responsible or liable for any contracts and/or agreements made between the Grantee and the Vendor and/or the Grantee and the Contracting Agency;
- NDOT reserves the right to deny reimbursement to the Grantee at any time if it becomes known that the Vendor, Contracting Agency, or Grantee failed to meet FTA requirements throughout the Procurement and/or “Piggybacking” process;
- NDOT reserves the right to deny reimbursement to the Grantee at any time during the Agreement if the Grantee does not submit the required information and/or documentation to NDOT prior to seeking reimbursement.

## PIGGYBACKING WORKSHEET

**Definition:** *Piggybacking is the post-award use of a contractual document/process that allows someone who was not contemplated in the original procurement to purchase the same supplies/equipment through that original document/process (“FTA” Dear Colleague” letter, October 1, 1998”).*

In order to assist in the performance of your review, to determine if a situation exists where you may be able to participate in the piggybacking (assignment) of an existing agreement, the following considerations are provided. Ensure that your final file includes documentation substantiating your determination.

WORKSHEET	YES	NO
1. Have you obtained a copy of the contract and the solicitation document, including the specifications and any Buy America Pre-award or Post-Delivery audits?		
2. Does the solicitation and contract contain an express “assignability” clause that provides for the assignment of all or part of the specified deliverables?		
3. Did the Contractor submit the “certifications” required by Federal regulations? See BPPM Section 4.3.3.2.		
4. Does the contract contain the clauses required by Federal regulations? See BPPM Appendix A1.		
5. Were the piggybacking quantities included in the original solicitation; i.e., were they in the original bid and were they evaluated as part of the contract award decision?		
6. If this is an indefinite quantity contract, did the original solicitation and resultant contract contain both a minimum and maximum quantity, and did these represent the reasonably foreseeable needs of the parties to the contract?		
7. If this piggybacking action represents the exercise of an option in the contract, is the option provision still valid or has it expired?		
8. Does your State law allow for the procedures used by the original contracting: e.g., negotiations vs. sealed bids?		
9. Was a cost or price analysis performed by the original contracting agency documenting the reasonableness of the price? Obtain a copy for your files.		
10. Does the contract term comply with the five-year term limit established by FTA?		
11. Was there a proper evaluation of the bids or proposals? Include a copy of the analysis in your files.		
12. If you will require changes to the vehicles (deliverables), are they “within the scope” of the contract or are they “cardinal changes”? See BPPM Section 9.2.1.		

Note: This worksheet is based upon the policies and guidance expressed in (a) the FTA Administrator's "Dear Colleague" letter of October 1, 1998, (b) the *Best Practices Procurement Manual*, Section 6.3.3—*Joint Procurements of Rolling Stock and “Piggybacking,”* and (c) FTA Circular 4220.1F.